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## Masthead

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## Comments

### Abatement of Actions in Louisiana

At common law, all pending personal actions abated on the death of a party. If the cause of action itself survived, a new action could be commenced by or against the personal representatives of the deceased party.<sup>1</sup> Tort actions did not survive the death of either party.<sup>2</sup> An action did not lie for the recovery of damages for wrongful death.<sup>3</sup> These harsh rules have now been abrogated, wholly or largely, in every common law juris-

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1. Annot., 92 A.L.R. 956 (1934).

2. PROSSER, *HANDBOOK OF THE LAW OF TORTS* 949-51 (1941). By statute, however, torts affecting personal property survived the plaintiff in favor of his administrator or executor. This was the only exception to the general rule at early common law.

3. *Higgins v. Butcher*, Yelverton 90, 80 Eng. Rep. 61 (K.B. 1606).